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**BEFORE THE
PHYSICAL THERAPY BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against: Case No. 1D 2002 62966

RYAN STEWART CHAN
1008 W. Alene #C
Ridgecrest, CA 93555

A C C U S A T I O N

Physical Therapist License No. PT 19081

Respondent.

Complainant alleges:

PARTIES

1. Steven K. Hartzell (Complainant) brings this Accusation solely in his official capacity as the Executive Officer of the Physical Therapy Board of California, Department of Consumer Affairs.

2. On or about May 27, 1993, the Physical Therapy Board of California issued Physical Therapist License Number PT 19081 to Ryan Stewart Chan (Respondent). The Physical Therapist License was in full force and effect at all times relevant to the charges brought herein and will expire on February 28, 2003, unless renewed.

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1 JURISDICTION

2 3. This Accusation is brought before the Physical Therapy Board of
3 California (Board), under the authority of the following sections of the Business and Professions
4 Code (Code).

5 4. Section 2660 of the Code states:

6 AThe board may, after the conduct of appropriate proceedings under the
7 Administrative Procedure Act, suspend for not more than 12 months, or revoke, or impose
8 probationary conditions upon, or issue subject to terms and conditions any license, certificate, or
9 approval issued under this chapter for any of the following causes:



10 A. . .

11 A(l) The commission of any fraudulent, dishonest, or corrupt act which is
12 substantially related to the qualifications, functions, or duties of a physical
13 therapist.@

14 5. Section 141, subdivision (a) of the Code states:

15 A(a) For any licensee holding a license issued by a board under the jurisdiction of
16 the department, a disciplinary action taken by another state, by any agency of the federal
17 government, or by another country for any act substantially related to the practice
18 regulated by the California license, may be a ground for disciplinary action by the
19 respective state licensing board. A certified copy of the record of the disciplinary action
20 taken against the licensee by another state, an agency of the federal government, or
21 another country shall be conclusive evidence of the events related therein.@

22 6. Section 822 of the Code provides, in pertinent part:

23 AIf a licensing agency determines that its licentiate's ability to practice his or her
24 profession safely is impaired because the licentiate is mentally ill, or physically ill
25 affecting competency, the licensing agency may take action by any one of the following
26 methods:

- 1 A(a) Revoking the licentiate's certificate or license.
2 A(b) Suspending the licentiate's right to practice.
3 A(c) Placing the licentiate on probation.
4 A(d) Taking such other action in relation to the licentiate as the licensing agency
5 in its discretion deems proper. . . .@

6 7. Section 2661.5, subdivision (a) of the Code states:

7 A(a) In any order issued in resolution of a disciplinary proceeding before
8 the board, the board may request the administrative law judge to
9 direct any licensee found guilty of unprofessional conduct to pay
10 to the board a sum not to exceed the actual and reasonable costs of
11 the investigation and prosecution of the case.@

12

13 FIRST CAUSE FOR DISCIPLINE

14 (Out of State Discipline)

15 8. Respondent is subject to disciplinary action under Code section 141,
16 subdivision (a), in that he has been disciplined by another state. The circumstances are as
17 follows:

18 9. On or about September 28, 2001, an order by the Arizona Board of
19 Physical Therapy (Arizona Board) was promulgated which accepted the surrender of Arizona
20 Physical Therapy License number 2826, which belonged to Respondent. At the time of
21 surrender, Respondent was under investigation by the Arizona Board.

22 10. The investigation by the Arizona Board was based on the following
23 incidents:

24 (A) On March 15, 2001, Respondent left University Medical Center
25 (UMC), the outpatient clinic at which he was employed, leaving unattended the patient he was
26 treating.

27


1 (B) On March 26, 2001, Respondent took \$200 from the cash box at
2 UMC without the permission of someone in authority.

3 11. Respondent also revealed to the Arizona Board that he had a gambling
4 addiction and was suffering from depression.

5 SECOND CAUSE FOR DISCIPLINE

6 (Dishonesty and Corruption)


7 12. Respondent is subject to disciplinary action under Code section 2660,
8 subdivision (l), in that he committed an act which involved dishonesty and corruption. The
9 circumstances are as follows:

10 13. The facts and circumstances in paragraphs 8 through 11, inclusive, are
11 incorporated here by reference. 

12
13 THIRD CAUSE FOR DISCIPLINE

14 (Impaired Ability to Practice Physical Therapy Because of Mental Illness and Addiction)

15 14. Respondent is subject to disciplinary action under Code section 822, in
16 that his ability to practice physical therapy is impaired because he suffers from a mental
17 impairment and a gambling addiction. The circumstances are as follows:

18 15. The facts and circumstances in paragraphs 8 through 11, inclusive, are
19 incorporated here by reference. 

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PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Physical Therapy Board of California issue a decision:

1. Revoking or suspending Physical Therapist License Number PT 19081, issued to Ryan Stewart Chan;
2. Ordering Ryan Stewart Chan to pay the Physical Therapy Board of California the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 2661.5; and
3. Taking such other and further action as deemed necessary and proper.

DATED: 9/ 06/2002

Original Signed By
STEVEN K. HARTZELL
Executive Officer
Physical Therapy Board of California
Department of Consumer Affairs
State of California
Complainant